

REMARKS

The present application is being filed in response to the Board of Appeal's decision of July 25, 2003 wherein the Examiner's rejection was affirmed.

The claims in the present application are claims 14 to 24, all other claims having been cancelled.

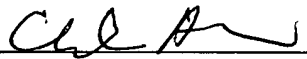
The Board of Appeals reaffirmed the Examiner's rejection of the claims as being obvious under 35 USC 103 over the Hsia, Kleijnen, Rossi and Park references. The Board was of the opinion that claim 11 was not as narrow as Applicant had indicated since the claim merely required for the administration of Ginkgo extracts to alleviate "withdrawal symptoms of substance dependency or addiction" and did not require alleviation of any particular withdrawal symptoms nor any treatment of withdrawal symptoms associated with any particular substance of a dependency or addiction. The Board refused Applicant's arguments on the basis that the claims were not directed to any particular symptoms and withdrawal, if indeed there are any such symptoms and the Board was of the opinion that the Examiner had created a prima facie case of obviousness with respect to the claims.

It is noted that the Board's reasoning does not apply to the present claims which claims are directed to using a specific Ginkgo biloba extract in an amount sufficient to alleviate withdrawal symptoms due to dependency or addiction to alcohol, amphetamines or morphine. The second independent claim is directed to alleviating withdrawal symptoms of dependency or addiction to alcohol, amphetamines and morphine by administering a specific Ginkgo biloba extract in an amount sufficient to alleviate said withdrawal symptoms. It is believed that the two generic claims are clear as to the symptoms and the type of addiction being treated so as to clearly distinguish over the Board of Appeal's interpretation of original claim 11 and to distinguish therefrom. So as not to unduly burden the record, Applicant incorporates herewith the arguments set forth in the reply brief and the brief on appeal.

The present claims are not directed to Ginkgo biloba extracts generically but claims 14 to 19 are directed to the biloba extract Egb 761 and the remaining claims are directed to CP 401. It is believed that the pharmacological data set forth on pages 7 and 8 of the application as filed clearly demonstrate the effectiveness of the two said extracts on alcohol withdrawal as well as on morphine withdrawal and amphetamine withdrawal so as to render the same completely unobvious from the prior art cited by the Examiner. Therefore, these grounds of rejection are no longer effective with respect to the present claims.

Applicant respectfully requests that the Examiner give favorable reconsideration to the application in view of the above remarks regarding the present claims.

Respectfully submitted,
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CAM:ds
Enclosures